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Jennifer Rygiel-Boyd (JR 5676)
Carmen J. DiMaria (*pro hac vice* pending)
Thomas Rattay (*pro hac vice* pending)
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
10 Madison Avenue, Suite 402
Morristown, New Jersey 07960
Attorneys for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE GREAT ATLANTIC & PACIFIC
TEA COMPANY, INC.,

Plaintiff,

v.

MICHAEL SISIA,

Defendant.

Civil Action No.07-CIV-4114

**NOTICE OF MOTION TO ADMIT
CARMEN J. DIMARIA, ESQ. AND
THOMAS J. RATTAY, ESQ. *PRO HAC*
VICE PURSUANT TO LOCAL RULE**

1.3

TO: David Edward Strand, Esq.
Fisher & Phillips, LLP
Corporate Park III
580 Howard Avenue
Somerset, NJ 08873
Attorney for Plaintiff

COUNSEL:

PLEASE TAKE NOTICE that on a date to be scheduled by the United States District Court for the Southern District of New York, defendant Michael Sisia shall move before The Honorable George B. Daniels, U.S.D.J., for an Order admitting Carmen J. DiMaria, Esq. and Thomas J. Rattay, Esq. as visiting attorneys *pro hac vice* to participate in all proceedings relative to the above-captioned matter.

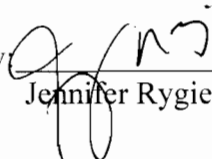
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PLEASE TAKE FURTHER NOTICE that in support of this application Defendant shall rely upon the accompanying Affidavits of Carmen J. DiMaria, Esq., Thomas J. Rattay, Esq. and Jennifer Rygiel-Boyd, Esq. A proposed form of Order is being concurrently submitted.

By



Jennifer Rygiel-Boyd (JR 5676)

Dated: June 6, 2007

Jennifer Rygiel-Boyd (JR 5676)
Carmen J. DiMaria (*pro hac vice* pending)
Thomas Rattay (*pro hac vice* pending)
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
10 Madison Avenue, Suite 402
Morristown, New Jersey 07960
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE GREAT ATLANTIC & PACIFIC
TEA COMPANY, INC.,

Plaintiff,

v.

MICHAEL SISIA,

Defendant.

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Civil Action No.07-CIV-4114

**AFFIDAVIT OF
JENNIFER RYGIEL-BOYD IN
SUPPORT OF MOTION TO ADMIT
CARMEN J. DIMARIA, ESQ. AND
THOMAS J. RATTAY, ESQ.
*PRO HAC VICE***

JENNIFER RYGIEL-BOYD, ESQ., being of full age, avers and states as follows:

1. I am an attorney-at-law and an associate of the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., attorneys for defendant Michael Sisia.

2. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Carmen J. DiMaria, Esq. and Thomas J. Rattay as counsel *pro hac vice* pursuant to Local Rule 1.3.

3. I am a member in good standing of the bar of the State of New York since 2004. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

4. I have known Mr. DiMaria since June 2005 and Mr. Rattay since December 2006.

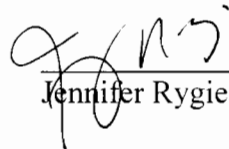
5. Mr. DiMaria is a shareholder and Mr. Rattay is of counsel at Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

6. I have found both Mr. DiMaria and Mr. Rattay to be skilled attorneys and persons of integrity. They are experienced in Federal practice and in familiar with the Federal Rules of Civil Procedure.

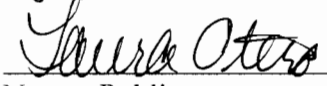
7. Accordingly, I am pleased to move the admission of Carmen J. DiMaria, Esq. and Thomas J. Rattay, Esq. *pro hac vice*.

8. I respectfully submit a proposed order granting the admission of Carmen J. DiMaria, Esq. and Thomas J. Rattay, Esq. *pro hac vice* which is attached hereto as Exhibit A.

I hereby aver that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Jennifer Rygiel-Boyd

Sworn to and subscribed
before me this 6th day
of June 2007.


Notary Public

LAURA OTERO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 5, 2009

Jennifer Rygiel-Boyd (JR 5676)
Carmen J. DiMaria (*pro hac vice* pending)
Thomas Rattay (*pro hac vice* pending)
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
10 Madison Avenue, Suite 402
Morristown, New Jersey 07960
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE GREAT ATLANTIC & PACIFIC
TEA COMPANY, INC.,

Plaintiff,

v.

MICHAEL SISIA,

Defendant.

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Civil Action No.07-CIV-4114

**ORDER ADMITTING
CARMEN J. DIMARIA, ESQ. AND
THOMAS J. RATTAY *PRO HAC VICE*
PURSUANT TO LOCAL RULE 1.3**

THIS MATTER, having come before the Court upon the application of Defendant for an
Order pursuant to Local Rule 1.3;

IT IS on this _____ day of _____ 2007

ORDERED that Carmen J. DiMaria, Esq., in good standing, and Thomas J. Rattay, Esq.,
in good standing, be admitted as visiting attorneys, *pro hac vice*, to participate in all proceedings
relative to the above-captioned matter.

Hon. George B. Daniels, U.S.D.J.

Jennifer Rygiel-Boyd (JR 5676)
Carmen J. DiMaria (*pro hac vice* pending)
Thomas Rattay (*pro hac vice* pending)
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
10 Madison Avenue, Suite 402
Morristown, New Jersey 07960
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE GREAT ATLANTIC & PACIFIC
TEA COMPANY, INC.,

Plaintiff,

V.

MICHAEL SISIA,

Defendant.

Civil Action No.07-CIV-4114

**AFFIDAVIT OF CARMEN J.
DIMARIA, ESQ. IN SUPPORT OF
MOTION FOR ADMISSION
*PRO HAC VICE***

CARMEN J. DIMARIA, ESQ., being of full age, avers and states as follows:

1. I am a shareholder in the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I submit this Affidavit in support of my application for permission to appear *pro hac vice* on behalf of the defendant Michael Sisia in the above-captioned matter.

2. I represent Defendant in the above-captioned matter along with Jennifer Rygiel-Boyd, an associate with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and a member in good standing of the bar of this Court.

3. I received my law degree from Seton Hall University School of Law.

4. I am a member in good standing of the bar of the State of New Jersey and the bar of the State of Pennsylvania, and am admitted to practice before all levels of the New Jersey and Pennsylvania state courts. *See* Exhibits A and B.

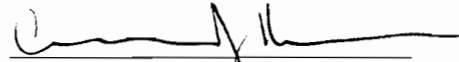
5. I am also admitted and a member in good standing of the United States District Court for the District of New Jersey and the United States District Court for the Eastern District of Pennsylvania.

6. I am not under suspension, disbarment, or any other discipline or disciplinary procedure of any Court.

7. If admitted *pro hac vice*, I will conduct myself as an attorney of this Court uprightly and according to the law, and I will support and defend the Constitution of the United States.

8. Accordingly, for the foregoing reasons, I respectfully request to be admitted as a visiting attorney *pro hac vice* to participate in all proceedings relative to the above-captioned matter.

I hereby aver that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Carmen J. DiMaria, Esq.

Sworn to and subscribed
before me this 6th day
of June 2007.


Notary Public

LAURA OTERO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 5, 2009

Supreme Court of New Jersey

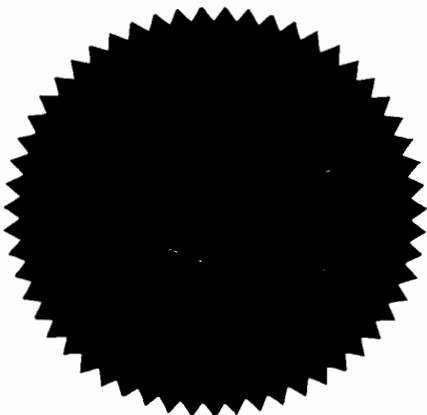


Certificate of Good Standing

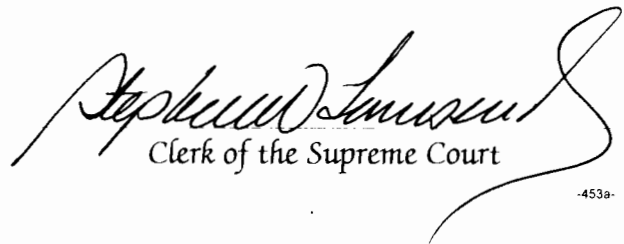
This is to certify that **CARMEN JOSEPH DI MARIA**
(No. **031751993**) was constituted and appointed an Attorney at Law of New
Jersey on **December 21, 1993** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
31ST day of **May**, 20 **07**


Clerk of the Supreme Court



Supreme Court of Pennsylvania

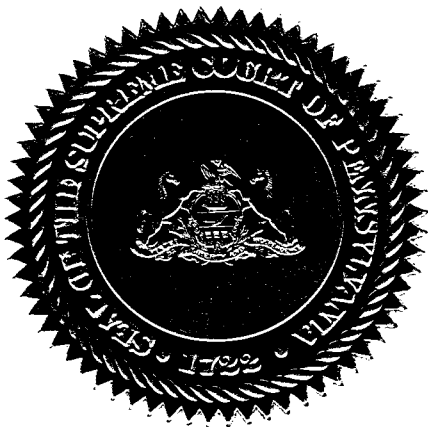
CERTIFICATE OF GOOD STANDING

Carmen Joseph DiMaria, Esq.

DATE OF ADMISSION

December 17, 1993

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: May 30, 2007


Patricia A. Johnson
Chief Clerk

Jennifer Rygiel-Boyd (JR 5676)
Carmen J. DiMaria (*pro hac vice* pending)
Thomas Rattay (*pro hac vice* pending)
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
10 Madison Avenue, Suite 402
Morristown, New Jersey 07960
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE GREAT ATLANTIC & PACIFIC
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Plaintiff,

v.

MICHAEL SISIA,

Defendant.

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Civil Action No.07-CIV-4114

**AFFIDAVIT OF THOMAS J. RATTAY,
ESQ. IN SUPPORT OF MOTION FOR
ADMISSION
*PRO HAC VICE***

THOMAS J. RATTAY, ESQ., being of full age, avers and states as follows:

1. I am of counsel in the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I submit this Affidavit in support of my application for permission to appear *pro hac vice* on behalf of the defendant Michael Sisia in the above-captioned matter.

2. I represent Defendant in the above-captioned matter along with Jennifer Rygiel-Boyd, an associate with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and a member in good standing of the bar of this Court.

3. I received my law degree from New England School of Law.

4. I am a member in good standing of the bar of the State of New Jersey, and am admitted to practice before all levels of the New Jersey state courts. *See* Exhibit A.


5. I am also admitted and a member in good standing of the United States Court of Appeals for the Third Circuit and the United States District Court for the District of New Jersey.

6. I am not under suspension, disbarment, or any other discipline or disciplinary procedure of any Court.

7. If admitted *pro hac vice*, I will conduct myself as an attorney of this Court uprightly and according to the law, and I will support and defend the Constitution of the United States.

8. Accordingly, for the foregoing reasons, I respectfully request to be admitted as a visiting attorney *pro hac vice* to participate in all proceedings relative to the above-captioned matter.

I hereby aver that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Thomas J. Rattay, Esq.

Sworn to and subscribed
before me this 6th day
of June 2007.


Notary Public

LAURA OTERO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 5, 2009

Supreme Court of New Jersey

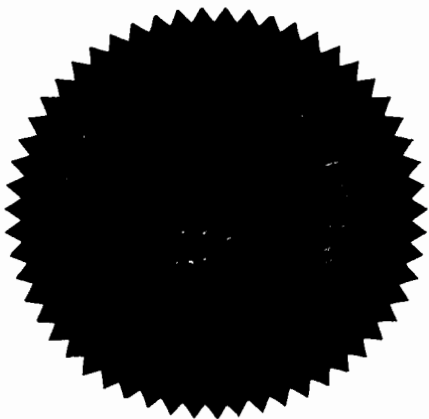


Certificate of Good Standing

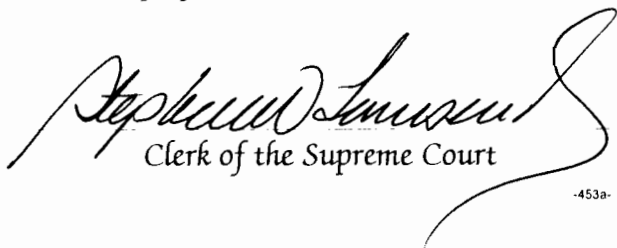
This is to certify that **THOMAS JOSEPH RATTAY**
(No. **018231996**) was constituted and appointed an Attorney at Law of New
Jersey on **December 18, 1996** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
31ST day of **May**, 20 **07**


Clerk of the Supreme Court

Jennifer Rygiel-Boyd (JR 5676)
Carmen J. DiMaria (*pro hac vice* pending)
Thomas Rattay (*pro hac vice* pending)
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
10 Madison Avenue, Suite 402
Morristown, New Jersey 07960
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE GREAT ATLANTIC & PACIFIC
TEA COMPANY, INC.,

Plaintiff,

v.

MICHAEL SISIA,

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Civil Action No.07-CIV-4114

**ORDER ADMITTING
CARMEN J. DIMARIA, ESQ. AND
THOMAS J. RATTAY *PRO HAC VICE*
PURSUANT TO LOCAL RULE 1.3**

THIS MATTER, having come before the Court upon the application of Defendant for an
Order pursuant to Local Rule 1.3;

IT IS on this _____ day of _____ 2007

ORDERED that Carmen J. DiMaria, Esq., in good standing, and Thomas J. Rattay, Esq.,
in good standing, be admitted as visiting attorneys, *pro hac vice*, to participate in all proceedings
relative to the above-captioned matter.

Hon. George B. Daniels, U.S.D.J.

Jennifer Rygiel-Boyd (JR 5676)
Carmen J. DiMaria (*pro hac vice* pending)
Thomas Rattay (*pro hac vice* pending)
OGLETREE, DEAKINS, NASH,
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10 Madison Avenue, Suite 402
Morristown, New Jersey 07960
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE GREAT ATLANTIC & PACIFIC
TEA COMPANY, INC.,

Plaintiff,

v.

MICHAEL SISIA,

Defendant.

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Civil Action No.07-CIV-4114

CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this action. On this date, I served a true copy of the following documents:

NOTICE OF MOTION TO ADMIT CARMEN J. DIMARIA, ESQ. AND THOMAS J. RATTAY, ESQ. *PRO HAC VICE*;

AFFIDAVIT OF CARMEN J. DIMARIA, ESQ. IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE*;

AFFIDAVIT OF THOMAS J. RATTAY, ESQ. IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE*;

AFFIDAVIT OF JENNIFER RYGIEL-BOYD, ESQ. IN SUPPORT OF MOTION TO ADMIT CARMEN J. DIMARIA, ESQ. AND THOMAS J. RATTAY, ESQ. *PRO HAC VICE*.

on the parties listed below, via prepaid overnight FedEx, sent to their attorneys of record at their last known address as follows:

David Edward Strand, Esq.
Fisher & Phillips, LLP
Corporate Park III
580 Howard Avenue
Somerset, NJ 08873
Attorney for Plaintiff

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: June 6, 2007



Margarida Oliveira